

REMARKS

Claims 1-16 are in this application and are presented for reconsideration. The claims have been amended to improve the style of this application. By this amendment, Applicant has amended claims 1 and 8 and added new claims 10-16 to improve the clarity and style of this application.

Applicant has added new claims 10-16 which are based on pages 5-7 of the specification. The new claims do not add any new matter to the application.

By this amendment, the Applicant has amended claims 1 and 8 and added claims 10-16 to overcome the Examiner's rejections and respectfully makes assertions for overcoming the rejections of the outstanding Office Action dated May 20, 2004 in the following paragraphs.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1-9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP-A 07-100816 (the "Japanese reference").

The Japanese reference discloses an artificial stone material and manufacturing method of obtaining an artificial stone with a non-slip function having the original luster of a natural stone by constituting at least a surface part with a resin part and a granular stone material part and removing the resin portion of the surface part by cutting with a water jet.

The prior art at a whole including the Japanese reference neither teaches nor suggests the present invention as claimed. The Japanese reference, as pointed out by the Examiner's Detailed Action, discloses that the resin between the stones is produced by water jet.

Furthermore, the Examiner noted that the depressions have an anti-slip function and is used as a flooring material.

The present invention as claimed provides the surfaces of transparent resin in which marble or other stones are imbedded to create a much more functional and yet intricate surface that is highly aesthetic due to its transparency and its brightness.

Specifically, the present invention as claimed provides for an undulated surface with peaks and valleys. However, the regions between the peaks and valleys have no steps or discontinuities in between. In other words, there are no sharp steps or corners between the edges of the stones and the resin. Thus, only a very slight waviness between the surfaces 1 (of the stones) and S13 (of the resin) exists.

This morphology of the surfaces maintains the resin transparency and avoids the presence of steps and corners which would be disagreeable to the touch and very unappealing- as the dirt would accumulate all the time therein and it would be very difficult to remove. Such application would be found in places such as a kitchen counter whereas the Japanese reference would not be useful for such application due to possible accumulation of dirt in little crevices or steps. Therefore, in contrast to the Japanese reference, this morphology has no anti-slip function at all.

The apparatus of this morphology is obtained by rather an ingenious process which results in the apparatus as claimed. The present invention as claimed provides for an apparatus produced by brushes which act on the resin with such a weak abrasive action that its surface remains transparent. Furthermore, the weak abrasive action allows the resin region which is

shallow to remain shallow and the action exerted by the bristles of the brushes prevents the formation of the steps, that is, of corners along the edges of the stones.

No such inventive apparatus is suggested by the Japanese reference. The Japanese reference has the objective of achieving an anti-slip function and suggests a strong action on the resin by means of a water jet. A water jet created surface would create a step with anti-slip functions. Therefore, an apparatus produced by the prior art would not have all the structural features as claimed in the present invention such as smooth gradual surface which is bright and transparent.

The application as presented in the present invention and as claimed does not require an anti-slip function and it intends to avoid the formation of steps (which would create direct and an unpleasant effect when rubbing a hand or running a cloth or other, onto the surface). If the present invention as claimed were to use a water jet to remove the resin, the formation of steps and corners could not be avoided. Thus, structure of the present invention is substantially different from the structure disclosed by the Japanese reference and any builder, contractor or a kitchen owner will immediately recognize the differences between the two structures.

Therefore, the formation of the surface according to the present invention as claimed is completely different from the Japanese reference. This is further illustrated in the drawings attached herein (Appendix A) which shows the difference between the Japanese reference created surface and the surface created by the present invention as claimed.

Furthermore, Applicant herein encloses a sample (Sample 1) of the surfaces of

transparent resin created by the present invention as claimed.

Applicant notes that the surface of the sample in that is an undulated surface which can be felt when a user runs his or her hand along the surface of the sample and feels its texture.

Furthermore, Applicant notes that the stone and the resin surface are very bright. Such brightness is maintained by the special abrasive action as taught by the present invention as claimed. Applicant notes that without this special abrasion method by the brushes after the decapitating procedure, the surface would wind up as being not so reflective. Such surface would be exemplified by the opposite side of the sample which is not as reflective as the side with the special process of slight brushes.

Finally, the resin surfaces are such as to insure almost a perfect transparency of the resin. This transparency is also maintained by the methodology of the brushes. Such combination of features not taught by the Japanese reference provides several improved effect for the present invention as claimed. For instance, the present invention as claimed has the advantage of providing a surface for hot pots or other hot items without damaging or affecting the resins therein.

Furthermore, Applicant finds no incentive in the Japanese reference which would lead a person to all the structural features of the surface of transparent resin in which marble or other stones are embedded according to the present invention as claimed. The present invention as claimed provides a different approach as compared to the Japanese reference and solves problems which Applicant has observed as noted with regard to protecting the resin portion of the surface. As the Japanese reference fails to teach and fails to suggest the

important feature, the Japanese reference provides no teaching and no suggestion to the person of ordinary skill in the art to provide the surface produced by the slight abrasive brushes as claimed.

As the Japanese reference fails to direct the person of ordinary skill in the art toward the claimed combination, the invention should be considered not anticipated, non-obvious and thus patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection in view of the new claims and in view of the discussion above.

As the prior art including the Japanese reference fails to suggest the combination of features as claimed Applicant respectfully requests that the Examiner favorably consider the claims as now presented.

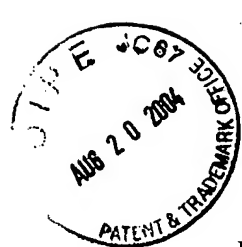
If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is requested to contact Applicant's representative by telephone to discuss possible changes.

At this time, Applicant respectfully requests reconsideration of this application in view of the above amendments and remarks, and Applicant respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 

John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.
(914) 941-5600



JJM/DWK:jms

Enclosed: Sample of invention
Appendix A (drawing sheet)

71184.6

DATED: August 20, 2004
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:

COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, EXPRESS MAIL NO. EV436439789US.

McGLEW AND TUTTLE, P.C.

BY: _____

DATE: August 20, 2004